

PATENT COOPERATION TREATY

Translation

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

| | |
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| Date of mailing <i>(day/month/year)</i> | See form PCT/ISA/210 |
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| | | | |
|---|--|--|--|
| Applicant's or agent's file reference AFG 16704-WO | | FOR FURTHER ACTION See paragraph 2 below | |
| International application No. PCT/EP2004/008885 | International filing date <i>(day/month/year)</i> 07.08.2004 | Priority date <i>(day/month/year)</i> 05.09.2003 | |
| International Patent Classification (IPC) or both national classification and IPC B60N2/24, B60N2/38, B64D25/06 | | | |
| Applicant AUTOFLUG GMBH | | | |

1. This opinion contains indications relating to the following items:

| | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | |
|--|--------------------|
| Name and mailing address of the ISA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

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| Box No. I | Basis of this opinion |
|-----------|--|
| 1. | <p>With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p> |
| 2. | <p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p> |
| 3. | <p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p> |
| 4. | <p>Additional comments:</p> |

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Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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| Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|---|--|------|-----|
| 1. Statement | | | |
| Novelty (N) | Claims | 1-18 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-18 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-18 | YES |
| | Claims | | NO |
| 2. Citations and explanations: | | | |
| <p>1. The present opinion makes reference to the following documents:</p> <p>D1: DE 33 06 839 A (AUTOFLUG GMBH) 6 September 1984 (1984-09-06)</p> <p>D2: US 5 072 840 A (YOSHIO ASAKAWA ET AL.) 17 December 1991 (1991-12-17)</p> | | | |
| <p>2. 2.1 D1 is considered the closest prior art. It discloses (the references between parentheses apply to this document):</p> <p>a safety seat for land vehicles, aircraft or sea vessels, comprising a harness which is suspended from fixed points (32, 18, 19) of the vehicle and can be put onto the vehicle occupant's body (10) without fixed components and supports the vehicle occupant, with fabric retaining belts (31, 18, 19) leading from the harness to the fixed points of the vehicle,</p> <p>from which the subject matter of independent claim 1 differs in that a belt retractor can place the vehicle occupant who is supported in a harness as per D1 in various working positions by means of separately controllable belt retractors.</p> | | | |

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

2.2 The subject matter of claim 1 is therefore novel
(PCT Article 33(2)).

3. The belt retractors satisfy the object of changing
the position of the occupant in accordance with
requirements.

3.1 D2 discloses (the references between parentheses
apply to this document):

a lifting device in order to place a disabled person
from a reclining position into a standing or sitting
position. This device comprises a fabric suspension
mat (12) which is suspended from fixed points of the
lifting device and holds the disabled person's body
and can be put on without fixed components and
supports the person, with fabric retaining belts
(14, 15) leading from the fabric suspension mat (12)
to belt retractors (45, 46) which are arranged at
the fixed points of the lifting device and tension
the attached retaining belts (14, 15) in the take-up
direction in each case, and a selector device being
provided which can be actuated by the occupant and
by means of which the belt retractors (45, 46) can
be selected in pairs. However, this prior art does
not give any cause to suggest using a similar device
for the occupant of a vehicle.

3.2 Claim 1 is therefore considered as involving an
inventive step.

4. Claims 2-18 are dependent on claim 1 and therefore
likewise meet the PCT requirements for novelty and

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

inventive step.

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Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

The citing of US4909499, cited on page 5, paragraph 4,
describing a "mail singulating apparatus" must be
corrected or omitted.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Independent claim 1 has not been drafted in the two-part form defined by PCT Rule 6.3(b). However, in the present case the two-part form would appear to be appropriate. Accordingly, the features (D1) known in combination from the prior art belong in the preamble (PCT Rule 6.3(b)(i)) and the remaining features belong in the characterizing part (PCT Rule 6.3(b)(ii)).